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REMARKS

Claims 1-34 are currently pending in the subject application and are presently under consideration. Claims 7, 16, 25, 28-30, 33 and 34 have been amended herein to correct minor informalities and to further clarify what applicants regard as the invention.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection to the Drawings

The drawings are objected to under 37 CFR §1.84; (p)(4),(p)(5). Applicants' representative has amended Figs. 18, 23, 24 by removing reference signs not mentioned in the specification, and withdrawal of this objection is respectfully requested. A new set of formal drawings incorporating such changes will be filed as a separate document.

II. Objection to the Disclosure

The subject disclosure is being objected to because its "Detailed Description" section does not include a detailed description of Fig. 25. It is respectfully submitted that such figure is described in section entitled "Brief Description of the Drawings", and under current USPTO practices there is no requirement for a detailed description of every drawing in the "Detailed Description" section.

M.P.E.P §2163, in part states;

"What is conventional or well known to one skilled in the art need not be disclosed in detail. If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met. The description need only describe in detail that which is new or not conventional."

In view of the at least above comments, withdrawal of this rejection is respectfully requested.

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III. Rejection of Claims 7-23, 25 and 28-34 Under 35 U.S.C. §112

Claims 7-23, 25 and 28-34 stand rejected under 35 U.S.C. §112, second paragraph, as being identified for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants' representative has amended the claims herein, and withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 1, 3-7, 9-16, 18-24, 26-29 and 34 Under 35 U.S.C. §102(a)

Claims 1, 3-7, 9-16, 18-24, 26-29 and 34 stand rejected under 35 U.S.C. §102(a) as being anticipated by Klippert, II, *et al.* (U.S. Patent 6,270,622).

Withdrawal of this rejection is respectfully requested for at least the following reasons. Klippert, II *et al.* does not teach or suggest the claimed invention.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The subject invention as claimed relates to monitoring *formation of a T-top gate* structure (*e.g. width* of an opening of the T structure) on a wafer surface, *via* generating a signature associated with the wafer structure during fabrication. Such aspects of the claimed invention are not taught or suggested by Klippert, II, *et al.* Rather, Klippert, II is exclusively directed to controlling or measuring a *thickness (depth)* of a layer – not monitoring formation of a T shaped structure (*e.g. width of the openings*) as in the claimed invention. Typically, removing insufficient (or excessive) amounts from openings of the oxide layer and/or removing undesired portions of the oxide layer may result in features that are too large, or exhibit undesired characteristics for a T-top gate structure. Independent claim 1 recites; "generating a signature [...] to monitor *formation* of the *T-top gate*." Similar limitations are recited in independent claims 7, 16, 24, 30, 34.

In view of the at least above comments it is readily apparent that Klippert, II *et al.* does not teach or suggest the subject claims, and this rejection should be withdrawn.

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V. Rejection of Claim 1-34 Under 35 U.S.C. §102(e)

Claims 1-34 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patents 6,562,248 and 6,545,753 to Subramanian, *et al.* Withdrawal of this rejection is respectfully requested for at least the following reasons.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987)).

As explained *supra* the subject invention as claimed relates to monitoring formation of a *T-top gate* structure on a wafer surface, *via* generating a signature associated with this structure, and such aspects of the claimed invention are not taught by the Subramanian *et al.* patents. In fact the term "T-top gate" does not even appear in either of such references. In addition, both patents to Subramanian *et al.* and the subject application are related, as they are all assigned to Advanced Micro Devices and have common inventors. As such, Applicants' representative is willing to submit terminal disclaimers pursuant to 37 C.F.R. §1.321, should the Examiner require so.

VI. Rejection of Claims 2, 8, 17 and 25 Under 35 U.S.C. §103(a)

Claims 2, 8, 17 and 25 stand rejected under 35 U.S.C. §103(a) as being obvious over Klippert, II, *et al.* as applied to claims 1, 7, 16 and 24 above, and further in view of Bareket (U.S. Patent 5,889,593.) Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claims 2, 8, 17, 25 respectively depend from independent claims 1, 7, 16, 24, and Bareket does not make up for the aforementioned deficiencies of Klippert, II, *et al.* with respect to the subject independent claims. In view of the at least above comments it is readily apparent that Klippert, II *et al.*, alone or in combination with Bareket does not teach or suggest the subject claims, and this rejection should be withdrawn.

09/973,231F0591**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,
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